

1 14. Plaintiff has no business debts, and the debt that Defendant was attempting to
2 collect could only have been a personal debt.

3 15. Beginning in early May 2016, Defendant contacted Plaintiff by calling her
4 cellular telephone in its daily attempts to collect a debt.

5 16. Defendant placed calls to Plaintiff's cellular telephone from the following phone
6 number: (603) 414-1921.

7 17. The undersigned has confirmed that this phone number belongs to Defendant.

8 18. During the phone calls, Defendant's collectors asked to speak to an unknown
9 male named Jose Solago (phonetic).

10 19. Plaintiff informed Defendant that they had the wrong phone number and to stop
11 contacting her in early May 2016 when the calls first began.

12 20. Defendant heard and acknowledged Plaintiff's request to stop calling.

13 21. Once Defendant was informed that its calls were unwanted and to stop, there was
14 no lawful purpose to making further calls, nor was there any good faith reason to place calls.
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16 22. Defendant failed to update its records to restrict calls to Plaintiff's cellular
17 telephone, and Plaintiff continued to receive daily calls from Defendant.

18 23. After telling Defendant to stop calling her on several occasions, Plaintiff had no
19 other recourse but to block calls from Defendant's phone number.

20 **COUNT I**
21 **DEFENDANT VIOLATED §§1692d and 1692d(5) OF THE FDCPA**

22 24. A debt collector violates §1692 (d) of the FDCPA by engaging in conduct the
23 natural consequence is to harass, oppress, or abuse any person in connection with the collection
24 of a debt.
25

1 25. A debt collector violates §1692 (d)(5) of the FDCPA by causing a telephone to
2 ring or engaging any person in telephone conversation repeatedly or continuously with the
3 intent to annoy, abuse or harass any person at the called number.

4 26. Defendant violated §§1692d and 1692d(5) when it placed repeated and harassing
5 telephone calls to Plaintiff causing her phone to ring continuously and continued to call after
6 being informed it had the wrong number and Plaintiff requested that calls cease.

7
8 WHEREFORE, Plaintiff, ROBIN BROWN, respectfully prays for judgment as follows:

- 9 a. All actual damages suffered by Plaintiff pursuant to 15 U.S.C. §1692
10 (k)(a)(1);
- 11 b. Statutory damages of \$1,000.00 for the violation of the FDCPA pursuant
12 to 15 U.S.C. §1692 (k)(a)(2)(A);
- 13 c. All reasonable attorneys' fees, witness fees, court costs and other
14 litigation expenses incurred by Plaintiff pursuant to 15 U.S.C. §1693 (k)(a)(3);
15 and
- 16 d. Any other relief deemed appropriate by this Honorable Court.

17 **DEMAND FOR JURY TRIAL**

18 PLEASE TAKE NOTICE that Plaintiff, ROBIN BROWN, demands a jury trial in this
19 case.
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CERTIFICATION PURSUANT TO L.CIV.R.11.2

I hereby certify pursuant to Local Civil Rule 11.2 that this matter in controversy is not subject to any other action pending in any court, arbitration or administrative proceeding.

Respectfully submitted,

Dated: June 14, 2016

BY: /s/ Amy L. Bennecoff Ginsburg, Esq.
Amy L. Bennecoff Ginsburg, Esq.
Kimmel & Silverman, P.C.
30 East Butler Pike
Ambler, PA 19002
Phone: (215) 540-8888
Facsimile: (877) 788-2864
Email: aginsburg@creditlaw.com